



IN REPLY REFER TO:

United States Department of the Interior

NATIONAL PARK SERVICE
National Capital Region
1100 Ohio Drive, S.W.
Washington, D.C. 20242

NCR File: 1000
MF 1.24(63.00) 44168

Com D. 7/1/15

1.B (NCR-LPD)

June 2, 2015

Marcel Acosta, Executive Director
National Capital Planning Commission
401 9th Street, N.W.
North Lobby, Suite 500
Washington, D.C. 20576

RE: Transfer of Jurisdiction of the Andrew W. Mellon Fountain Triangle property (U.S. Reservation 546) to the National Gallery of Art

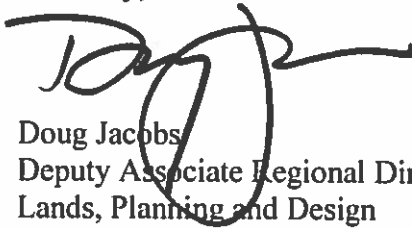
Dear Mr. Acosta:

The National Park Service (NPS) requests review and approval of a Transfer of Jurisdiction of the Andrew W. Mellon Fountain Triangle property (U.S. Reservation 546) to the National Gallery of Art at the National Capital Planning Commission's March 5, 2015 meeting.

With this letter, we submit a Statement of Jurisdiction and Declaration of Covenants, a site description and plat, and NPS's environmental and historic preservation compliance documentation.

Should you require additional information, please feel free to contact me or Peter May at (202) 619-7025.

Sincerely,



Doug Jacobs
Deputy Associate Regional Director
Lands, Planning and Design

cc:

Darrell R. Wilson, Administrator
National Gallery of Art

**TRANSFER OF JURISDICTION
AND
DECLARATION OF COVENANTS
REGARDING EXERCISE OF JURISDICTION OVER THE ANDREW W. MELLON
MEMORIAL FOUNTAIN PROPERTY, A TRIANGULAR PORTION OF LAND
BORDERED BY CONSTITUTION AVENUE, NW,
PENNSYLVANIA AVENUE, NW, AND SIXTH STREET, NW**

THIS TRANSFER OF JURISDICTION and DECLARATION OF COVENANTS is by and between the U.S. DEPARTMENT OF THE INTERIOR, NATIONAL PARK SERVICE, NATIONAL CAPITAL REGION, acting by and through its Regional Director, hereinafter referenced as “NPS,” and the NATIONAL GALLERY OF ART, hereinafter referenced as the “Gallery.”

WHEREAS, there is a triangular portion of land that is bordered by Constitution Avenue, NW, Pennsylvania Avenue, NW, and Sixth Street, NW, on which the Andrew W. Mellon Memorial Fountain (the “Fountain”) sits (hereinafter referenced as “the Mellon Fountain Triangle Property”), which is depicted on the map and description that is attached hereto as Attachments A and B; and

WHEREAS, the Mellon Fountain Triangle Property is situated within the boundary of the Pennsylvania Avenue National Historic Site, which is administered by the National Park Service pursuant to Pub. L. No.104-134, 110 Stat. 1321-198 (1996), and located in an area now depicted on the Pennsylvania Avenue National Historic Site map 840-82441B dated August 25, 2008, identified at 40 U.S.C. §6702 in *Amendment Not Shown In Text*; and

WHEREAS, the Mellon Fountain Triangle Property and Fountain are listed on the National Register of Historic Places as contributing resources within the L’Enfant Plan of the City of Washington, DC (1997), Pennsylvania Avenue National Historic Site National Register Nomination (1973; revised 2007), and Pennsylvania Avenue, NW Cultural Landscape Inventory (2015); and

WHEREAS, the Gallery has a special interest in the Mellon Fountain Triangle Property, because the Gallery was conceived and given to the people of the United States by Andrew W. Mellon, and because the Mellon Fountain Triangle Property is sited so near to the Gallery’s West Building; and

WHEREAS, the Gallery wishes to take over maintenance of the Mellon Fountain Triangle Property, restore and repair the Fountain to good working order and improve the surrounding landscape in accordance with *The Secretary of the Interior’s Standards for the Treatment of Historic Properties*; and will do so in compliance with Section 106 of the National Historic Preservation Act (54 U.S.C. 306108), through the regulations implementing Section 106

(36 CFR Part 800), and other legal requirements such as the National Environmental Policy Act; and

WHEREAS, the NPS recognizes that potential efficiencies would result with the mutual understanding that the Gallery has jurisdiction of the Mellon Fountain Triangle Property, subject to such terms and conditions, so to ensure the Mellon Fountain Triangle Property is repaired and is landscaped appropriately so as to continue to serve as a contributing resource within the Pennsylvania Avenue National Historic Site; and

WHEREAS the NPS and the Gallery desire to enter into this Transfer of Jurisdiction and Declaration of Covenants, agreeing that the administrative jurisdiction over the Mellon Fountain Triangle Property lies with the Gallery subject to the covenants and restrictions set forth below; and

NOW, THEREFORE, in accordance with the authority provided by 40 U.S.C. § 8124(a) and pursuant to the foregoing recitals, which are hereby incorporated as if fully set forth below; and in consideration of the mutual promises herein expressed, the NPS and the Gallery agree that the Mellon Fountain Triangle Property lies within the Gallery's administrative jurisdiction, so long as it is used in a manner consistent with the covenants set forth below.

1. Title to the Property shall remain with the United States, and the Gallery shall exercise administrative jurisdiction over the Mellon Fountain Triangle Property.
2. The Gallery, in its maintenance and treatment of the Mellon Fountain Triangle Property, shall adhere to *The Secretary of the Interior's Standards for the Treatment of Historic Properties* and comply with Section 106 of the National Historic Preservation Act through the regulations at 36 CFR Part 800.
3. In light of the location of the Mellon Fountain Triangle Property within the boundaries of the Pennsylvania Avenue National Historic Site, the Gallery shall take no action to alter the existing features of the Mellon Fountain Triangle Property without the prior written approval of the NPS, nor shall the Gallery transfer administrative jurisdiction of the Mellon Fountain Triangle Property without the prior written approval of the NPS.
4. The NPS current regulations at 36 CFR §7.96, which designated a portion of the Mellon Fountain Triangle Property for the use of the NPS for members of the public with disabilities to view the Inaugural parade, will be amended to reflect that the NPS no longer has jurisdiction of the Mellon Fountain Triangle Property. The Gallery agrees that, upon the request of the NPS, the Gallery will authorize its use of the earlier designated area as a viewing area for members of the public with disabilities to view the Inaugural parade.

DISCLAIMER: Nothing in this Document shall create any right or benefit, substantive or procedural, enforceable at law by any third party.

EFFECTIVE DATE: This Transfer of Jurisdiction and Declaration of Covenants is effective on the date it is recorded by the Gallery in the lands records of the District of Columbia, after it is recommended by the National Capital Planning Commission, pursuant to 40 U.S.C. § 8124(a).

IN WITNESS THEREOF, the Parties have caused this Document to be executed by their duly authorized representatives.

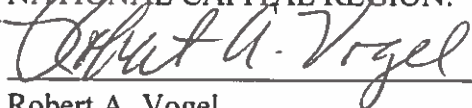
For the NATIONAL GALLERY OF ART:



Darrell R. Willson
Administrator

3/14/15
Date

For the U.S. DEPARTMENT OF THE INTERIOR, NATIONAL PARK SERVICE,
NATIONAL CAPITAL REGION:

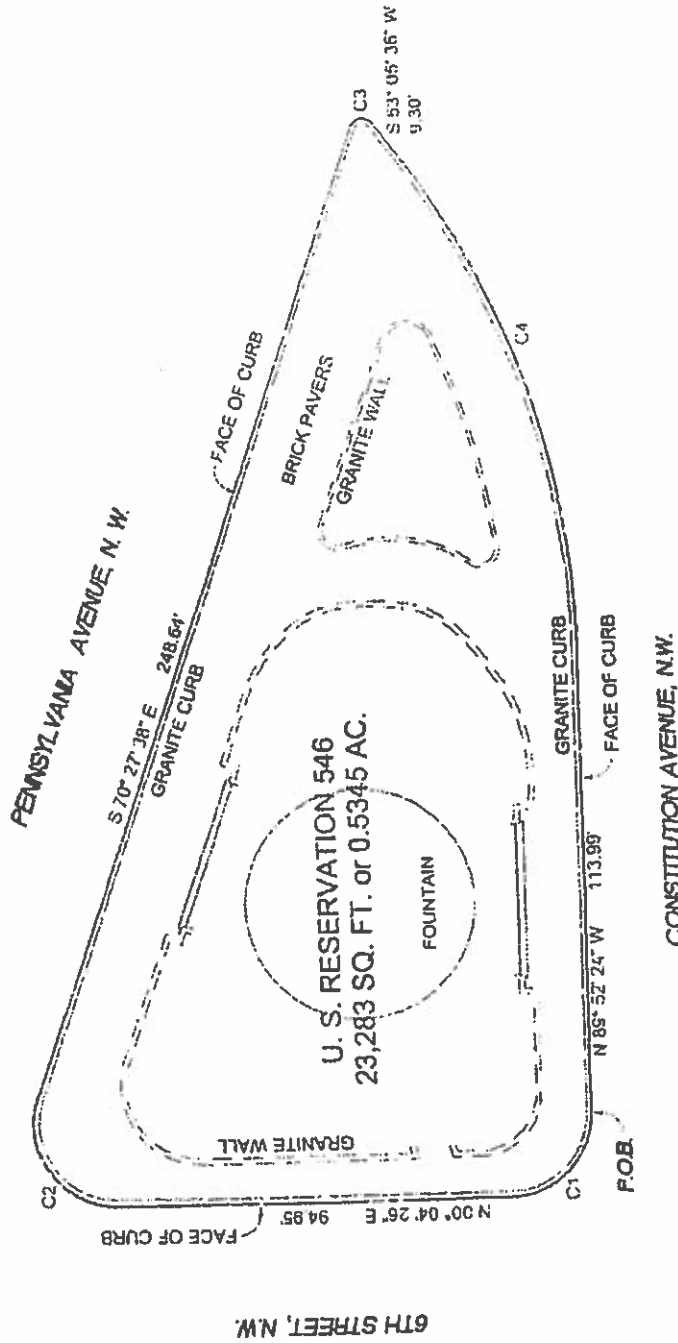


Robert A. Vogel
Regional Director

6/3/15
Date

ATTACHMENT A

MARY AND STATE PLANE NAD 27



SKETCH OF
U.S. RESERVATION 546
DISTRICT OF COLUMBIA

PREPARED FOR
THE NATIONAL GALLERY OF ART
DECEMBER, 2014 SCALE: 1"=40'

A. MORTON THOMAS & ASSOCIATES, INC.
CONSULTING ENGINEERS
500 KING FARM BOULEVARD, 4TH FLOOR
ROCKVILLE, MARYLAND 20850
PHONE (301) 881-2545 FAX (301) 881-0814
AMT FILE NO. 100-3161003

CURVE DATA					
NOI	RAD.	DELTA	ARC	TAN.	CHD. BRG.
C1	20.00	88° 56' 50"	31.40	19.98	N 44° 53' 56" W 28.27
C2	20.00	109° 27' 56"	38.21	28.28	N 54° 48' 24" E 32.66
C3	3.00	123° 33' 14"	6.47	5.59	S 08° 41' 02" E 5.28
C4	200.00	37° 02' 00"	129.27	66.98	S 71° 38' 36" W 127.03

* Note: Curb geometry based on a drawing by the Pennsylvania Avenue Development Corporation entitled "Geometric Layout Plan", drawing number P-1, sheet number 11, approved date 5-1-1983, revised date 1-13-1984

ATTACHMENT B

**DESCRIPTION OF
U.S. Reservation 546
District of Columbia**

December 18, 2014

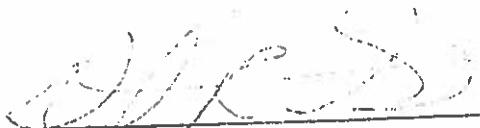
Being all of the land within the current jurisdictional limits of U. S. Reservation No. 546 in the District of Columbia as modified by the Pennsylvania Avenue Development Corporation as depicted on National Park Service Map 840-82441 and on a drawing entitled "6th Street to 4th Street, Jurisdictional Maintenance Boundaries", sheet number 15 of 25, dated 02-26-1996, by the Pennsylvania Avenue Development Corporation; and being more particularly described in the Maryland State Plane NAD 27 bearing datum as follows:

Beginning at a point within that portion of Constitution Avenue, N.W. as shown on a Transfer of Jurisdiction Plat recorded in Subdivision Book 139 at Page 147 among the Records of the Office of the Surveyor of the District of Columbia and as subsequently realigned as part of the changes by the Pennsylvania Avenue Development Corporation; said point identified as coordinate number 314 as shown on a drawing entitled "Geometric Layout Plan", drawing number P-1, Sheet Number 11, approved date 5-1-1983, revised date 1-13-1984, by the Pennsylvania Avenue Development Corporation; said point lying on the face of curb along the Northerly side of said Constitution Avenue, N.W.; thence binding on and running with the said face of curb the following eight (8) courses and distances

- 1) 31.40 feet along the arc of a curve deflecting 89° 56' 50" to the right and having a radius of 20.00 feet and a chord bearing and distance of North 44° 53' 59" West, 28.27 feet; thence
- 2) North 00° 04' 26" East, 94.95 feet; thence
- 3) 38.21 feet along the arc of a curve deflecting 109° 27' 56" to the right and having a radius of 20.00 feet and a chord bearing and distance of North 54° 48' 24" East, 32.66 feet; thence
- 4) South 70° 27' 38" East, 248.64 feet; thence
- 5) 6.47 feet along the arc of a curve deflecting 123° 33' 14" to the right and having a radius of 3.00 feet and a chord bearing and distance of South 08° 41' 02" East, 5.29 feet; thence
- 6) South 53° 05' 36" West, 9.30 feet; thence

- 7) 129.27 feet along the arc of a curve deflecting $37^{\circ} 02' 00''$ to the right and having a radius of 200.00 feet and a chord bearing and distance of South $71^{\circ} 36' 36''$ West, 127.03 feet; thence
- 8) North $89^{\circ} 52' 24''$ West, 113.99 feet to the Point of Beginning

Containing an area of 23,283 Square Feet or 0.5345 of an acre of land, more or less, and shown on the attached sketch and made a part of by this reference



12-18-14

Daniel R. Schriever
Licensed Surveyor
District of Columbia License No: LS900569
For A. Morton Thomas and Associates, Inc.





ENVIRONMENTAL SCREENING FORM (ESF)

DO-12 APPENDIX 1

Date Form Initiated: 01/20/2015

Updated May 2007 - per 2004 Departmental Manual revisions and proposed Director's Order 12 changes

A. PROJECT INFORMATION

Park Name: National Mall & Memorial Parks
Project Title: Transfer jurisdiction of Andrew W. Mellon Memorial Fountain Triangle Property (US Reservation 546) to the National Gallery of Art
PEPC Project Number: 56464
PMIS Number:
Project Type: Land Acquisition or Exchange (LAND)
Project Location:
County, State: District of Columbia, District of Columbia
Project Leader: Peter May
Administrative Record
Location:
Administrative Record
Contact:
Notes:

B. PROJECT DESCRIPTION

The National Mall and Memorial Parks (NAMA) proposes to sign a Statement of Jurisdiction granting the National Gallery of Art (Gallery) administrative jurisdiction over U.S. Reservation 546, a .53-acre, triangular portion of land bordered by Constitution Avenue NW, Pennsylvania Avenue NW, and Sixth Street, NW, on which Andrew W. Mellon Memorial Fountain sits (see Appendix A in the attached Statement of Jurisdiction documents). This property is situated within the boundary of the Pennsylvania Avenue National Historic Site, which is administered by the National Park Service pursuant to Pub. L.No.104-134, 110 Stat. 1321-198 (1996), and located in an area depicted on the Pennsylvania Avenue National Historic Park map 840-82441 dated June 1, 1995, codified at 40 U.S.C. Section 872 note.

The purpose of this proposal is to formerly assign administrative jurisdiction over the property to the Gallery of Art. The Gallery of Art wishes to take over maintenance of the Mellon Fountain Triangle Property, to repair the Fountain, and to landscape the property in a manner that is consistent with Gallery standards and the standards for the Pennsylvania Avenue National Historic Site.

Environmental Screening Form (ESF) - Transfer jurisdiction of Andrew W. Mellon Memorial Fountain Triangle Property (US Reservation 546) to the National Gallery of Art - PEPC ID: 56464

The Statement of Jurisdiction sets covenants regarding the Gallery's administration of the land, including the requirement that it to continue to maintain the property it in a manner that is consistent with the standards for the Pennsylvania Avenue National Historical Site.

This administrative action will not affect Historic Properties and qualifies for a categorical exclusion from the National Environmental Policy Act because it is a land exchange that will not lead to significant changes in the use of the land (in fact this would result in no changes to use of the land.)

Target compliance completion date:

Projected advertisement/Day labor start:

Construction start date:

Is project a hot topic (controversial or sensitive issues that should be brought to attention of Regional Director)? No

C. RESOURCE EFFECTS TO CONSIDER:

Identify potential effects to the following physical, natural, or cultural resources	No Effect	Negligible Effects	Minor Effects	Exceeds Minor Effects	Data Needed to Determine/Notes
1. Geologic resources – soils, bedrock, streambeds, etc.	No				
2. From geohazards	No				
3. Air quality	No				
4. Soundscapes	No				
5. Water quality or quantity	No				
6. Streamflow characteristics	No				
7. Marine or estuarine resources	No				
8. Floodplains or wetlands	No				
9. Land use, including occupancy, income, values, ownership, type of use	No				The Statement of Jurisdiction includes covenants requiring the Gallery continue to manage the land consistent with historic site standards.
10. Rare or unusual vegetation – old growth timber,	No				

Environmental Screening Form (ESF) - Transfer jurisdiction of Andrew W. Mellon Memorial Fountain Triangle Property (US Reservation 546) to the National Gallery of Art - PEPC ID: 56464

riparian, alpine					
11. Species of special concern (plant or animal; state or federal listed or proposed for listing) or their habitat	No				
12. Unique ecosystems, biosphere reserves, World Heritage Sites	No				
13. Unique or important wildlife or wildlife habitat	No				
14. Unique or important fish or fish habitat	No				
15. Introduce or promote non-native species (plant or animal)	No				
16. Recreation resources, including supply, demand, visitation, activities, etc.	No				The Statement of Jurisdiction includes a covenant requiring the Gallery to continue to authorize use of the area during inaugural parades.
17. Visitor experience, aesthetic resources	No				See above comments.
18. Archeological resources	No				
19. Prehistoric/historic structure	No				
20. Cultural landscapes	No				See above comments.
21. Ethnographic resources	No				
22. Museum collections (objects,	No				

specimens, and archival and manuscript collections)					
23. Socioeconomics, including employment, occupation, income changes, tax base, infrastructure					
24. Minority and low income populations, ethnography, size, migration patterns, etc.	No				
25. Energy resources	No				
26. Other agency or tribal land use plans or policies	No				
27. Resource, including energy, conservation potential, sustainability	No				
28. Urban quality, gateway communities, etc.	No				
29. Long-term management of resources or land/resource productivity	No				The Statement of Jurisdiction will ensure the long-term management/maintenance of the property consistent with the high standards of the surrounding National Historic Site.
30. Other important environment resources (e.g. geothermal, paleontological resources)?	No				

D. MANDATORY CRITERIA

Environmental Screening Form (ESF) - Transfer jurisdiction of Andrew W. Mellon Memorial Fountain Triangle Property (US Reservation 546) to the National Gallery of Art - PEPC ID: 56464

Mandatory Criteria: If implemented, would the proposal:	Yes	No	N/A	Comment or Data Needed to Determine
A. Have significant impacts on public health or safety?		N		
B. Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation, or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas?		N		
C. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources (NEPA section 102(2)(E))?		N		
D. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks?		N		
E. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects?		N		
F. Have a direct relationship to other actions with individually insignificant, but cumulatively significant, environmental effects?		N		
G. Have significant impacts on properties listed or eligible for listing on the National Register of Historic Places, as determined by either the bureau or office?		N		
H. Have significant impacts on species listed or proposed to be listed on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species?		N		

I. Violate a federal law, or a state, local, or tribal law or requirement imposed for the protection of the environment?		N		
J. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898)?		N		
K. Limit access to and ceremonial use of Indian sacred sites on federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007)?		N		
L. Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112)?		N		

For the purpose of interpreting these procedures within the NPS, any action that has the potential to violate the NPS Organic Act by impairing park resources or values would constitute an action that triggers the DOI exception for actions that threaten to violate a federal law for protection of the environment.

E. OTHER INFORMATION

1. Are personnel preparing this form familiar with the site? Yes
 - 1.A. Did personnel conduct a site visit? No
2. Is the project in an approved plan such as a General Management Plan or an Implementation Plan with an accompanying NEPA document? No
3. Are there any interested or affected agencies or parties? Yes
 - 3.A. Did you make a diligent effort to contact them? Yes
4. Has consultation with all affected agencies or tribes been completed? N/A
5. Are there any connected, cumulative, or similar actions as part of the proposed action? *(e.g., other development projects in area or identified in GMP, adequate/available utilities to accomplish project)* N/A

F. INSTRUCTIONS FOR DETERMINING APPROPRIATE NEPA PATHWAY

First, always check DO-12, section 3.2, "Process to Follow" in determining whether the action is categorically excluded from additional NEPA analyses. Other sections within DO-12, including sections 2.9 and 2.10; 3.5; 4.5(G)(4) and (G)(5), and 5.4(F), should also be consulted in determining the appropriate NEPA pathway. Complete the following tasks: conduct a site visit or ensure that

Environmental Screening Form (ESF) - Transfer jurisdiction of Andrew W. Mellon Memorial Fountain Triangle Property (US Reservation 546) to the National Gallery of Art - PEPC ID: 56464

staff is familiar with the site's specifics; consult with affected agencies, and/or tribes; and interested public and complete this environmental screening form.

If your action is described in DO-12 section 3.3, "CEs for Which No Formal Documentation is Necessary," follow the instructions indicated in that section.

If your action is not described in DO-12, section 3.3, and IS described is section 3.4, AND you checked YES or identified "data needed to determine" impacts in any block in section D (Mandatory Criteria), this is an indication that there is potential for significant impacts to the human environment, therefore, you must prepare an EA or EIS or supply missing information to determine context, duration, and intensity of impacts.

If your action is described in section 3.4 and NO is checked for all boxes in section D (Mandatory Criteria), AND there are either no effects or all of the potential effects identified in section C (Resource Effects to Consider) are no more than minor intensity, usually there is no potential for significant impacts and an EA or EIS is not required. If, however, during internal scoping and further investigation, resource effects still remain unknown, or are at the minor to moderate level of intensity, and the potential for significant impacts may be likely, an EA or EIS is required.

In all cases, data collected to determine the appropriate NEPA pathway must be included in the administrative record.

G. INTERDISCIPLINARY TEAM SIGNATORIES

All interdisciplinary team members sign as directed or deemed necessary by the Superintendent. By signing this form, you affirm the following: you have either completed a site visit or are familiar with the specifics of the site; you have consulted with affected agencies and tribes; and you, to the best of your knowledge, have answered the questions posed in the checklist correctly.

H. SUPERVISORY SIGNATORY

Field of Expertise

Project Leader

Peter May

Field of Expertise

NHPA Specialist

NEPA Specialist

Technical Specialist

Catherine Dewey

Mary Willeford Bair

Based on the environmental impact information contained in the statutory compliance file and in this environmental screening form, environmental documentation for this stage of the subject project is complete.

Recommended:

Compliance Specialist:

NEPA

Mary Willeford

Bair

NHPA

Mary Willeford Bair Date: 1/28/15

Environmental Screening Form (ESF) - Transfer jurisdiction of Andrew W. Mellon Memorial Fountain Triangle Property (US Reservation 546) to the National Gallery of Art - PEPC ID: 56464

Catherine Dewey

Catherine C. Dewey

Date:

1/20/15

Approved:

[Signature]

Superintendent:

Date:

1/23/2015



Categorical Exclusion Form

Project: Transfer jurisdiction of Andrew W. Mellon Memorial Fountain Triangle Property (US Reservation 546) to the National Gallery of Art

PEPC Project Number: 56464

Project Description:

The National Mall and Memorial Parks (NAMA) proposes to sign a Statement of Jurisdiction granting the National Gallery of Art (Gallery) administrative jurisdiction over U.S. Reservation 546, a .53-acre, triangular portion of land bordered by Constitution Avenue NW, Pennsylvania Avenue NW, and Sixth Street, NW, on which Andrew W. Mellon Memorial Fountain sits (see Appendix A in the attached Statement of Jurisdiction documents). This property is situated within the boundary of the Pennsylvania Avenue National Historic Site, which is administered by the National Park Service pursuant to Pub. L.No.104-134, 110 Stat. 1321-198 (1996), and located in an area depicted on the Pennsylvania Avenue National Historic Park map 840-82441 dated June 1, 1995, codified at 40 U.S.C. Section 872 note.

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The Statement of Jurisdiction sets covenants regarding the Gallery's administration of the land, including the requirement that it to continue to maintain the property it in a manner that is consistent with the standards for the Pennsylvania Avenue National Historical Site.

This administrative action will not affect Historic Properties and qualifies for a categorical exclusion from the National Environmental Policy Act because it is a land exchange that will not lead to significant changes in the use of the land (in fact this would result in no changes to use of the land.)

Project Locations:

Location

County:	District of Columbia	State:	DC
District:		Section:	
Geo. Marker:		Other:	

Mitigation(s):

- No mitigations identified.

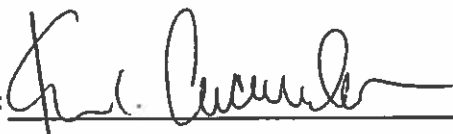
Describe the category used to exclude action from further NEPA analysis and indicate the number of the category (see Section 3-4 of DO-12):

Categorical Exclusion Form - Transfer jurisdiction of Andrew W. Mellon Memorial Fountain Triangle Property (US Reservation 546) to the National Gallery of Art - PEPC ID: 56464

C.2 Land exchanges which will not lead to significant changes in the use of land.

Explanation:

On the basis of the environmental impact information in the statutory compliance file, with which I am familiar, I am categorically excluding the described project from further NEPA analysis. No exceptional circumstances (e.g. all boxes in the ESF are marked "no") or conditions in Section 3-6 apply, and the action is fully described in Section 3-4 of DO-12.

Superintendent:  Date: 1-23-2015

NPS Contact: Peter May, NCR, 202-619-7025 Date: _____



ASSESSMENT OF ACTIONS HAVING AN EFFECT ON HISTORIC PROPERTIES

A. DESCRIPTION OF UNDERTAKING

1. Park: National Mall & Memorial Parks

2. Project Description:

Project Name: Transfer jurisdiction of Andrew W. Mellon Memorial Fountain Triangle Property (US Reservation 546) to the National Gallery of Art

Prepared by: Michael Commisso **Date Prepared:** 01/20/2015 **Telephone:** 202-619-7229
PEPC Project Number: 56464

Locations:

Describe project:

The National Mall and Memorial Parks (NAMA) proposes to sign a Statement of Jurisdiction granting the National Gallery of Art (Gallery) administrative jurisdiction over U.S. Reservation 546, a .53-acre, triangular portion of land bordered by Constitution Avenue NW, Pennsylvania Avenue NW, and Sixth Street, NW, on which Andrew W. Mellon Memorial Fountain sits (see Appendix A in the attached Statement of Jurisdiction documents). This property is situated within the boundary of the Pennsylvania Avenue National Historic Site, which is administered by the National Park Service pursuant to Pub. L.No.104-134, 110 Stat. 1321-198 (1996), and located in an area depicted on the Pennsylvania Avenue National Historic Park map 840-82441 dated June 1, 1995, codified at 40 U.S.C. Section 872 note.

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This administrative action will not affect Historic Properties and qualifies for a categorical exclusion from the National Environmental Policy Act because it is a land exchange that will not lead to significant changes in the use of the land (in fact this would result in no changes to use of the land.)

Area of potential effects (as defined in 36 CFR 800.16[d])

The APE encloses the approximately .53-acre parcel of land (known as U.S. Reservation 546).

3. Has the area of potential effects been surveyed to identify historic properties?

Assessment of Effect Form - Transfer jurisdiction of Andrew W. Mellon Memorial Fountain Triangle Property (US Reservation 546) to the National Gallery of Art - PEPC ID: 56464

☐ No
☒ Yes

Source or reference:

4. Potentially Affected Resource(s):

Historical Structures/Resources Notes: Andrew Mellon Memorial Fountain (LCS# 7310) Mellon Park Bench (LCS# 7309)

Cultural Landscapes Notes: Pennsylvania Avenue NHS Cultural Landscape Inventory (draft 2015)

5. The proposed action will: (check as many as apply)

- ☐ No Destroy, remove, or alter features/elements from a historic structure
- ☐ No Replace historic features/elements in kind
- ☐ No Add non-historic features/elements to a historic structure
- ☐ No Alter or remove features/elements of a historic setting or environment (inc. terrain)
Add non-historic features/elements (inc. visual, audible, or atmospheric) to a historic setting or cultural landscape
- ☐ No Disturb, destroy, or make archeological resources inaccessible
- ☐ No Disturb, destroy, or make ethnographic resources inaccessible
- ☐ No Potentially affect presently unidentified cultural resources
Begin or contribute to deterioration of historic features, terrain, setting, landscape elements, or archeological or ethnographic resources
- ☐ Yes Involve a real property transaction (exchange, sale, or lease of land or structures)
- ☐ Other (please specify): _____

6. Supporting Study Data:

(Attach if feasible; if action is in a plan, EA or EIS, give name and project or page number.)

The Statement of Jurisdiction includes a covenant requiring the Gallery to continue to manage the land consistent with historic site standards, and other protective covenants to ensure protection of cultural resources.

B. REVIEWS BY CULTURAL RESOURCE SPECIALISTS

The park 106 coordinator requested review by the park's cultural resource specialist/advisors as indicated by check-off boxes or as follows:

No Reviews From: Curator, Archeologist, Historical Architect, Historian, 106 Advisor, Other Advisor, Anthropologist, Historical Landscape Architect

Assessment of Effect Form - Transfer jurisdiction of Andrew W. Mellon Memorial Fountain Triangle Property (US Reservation 546) to the National Gallery of Art - PEPC ID: 56464

C. PARK SECTION 106 COORDINATOR'S REVIEW AND RECOMMENDATIONS

1. Assessment of Effect:

☒ No Potential to Cause Effects
☐ No Historic Properties Affected
☐ No Adverse Effect
☐ Adverse Effect

3. Additional Consulting Parties Information:

N/A

4. Stipulations and Conditions:

N/A

5. Mitigations/Treatment Measures:

Measures to prevent or minimize loss or impairment of historic/prehistoric properties:
(Remember that setting, location, and use may be relevant.)

No Assessment of Effect mitigations identified.

D. RECOMMENDED BY PARK SECTION 106 COORDINATOR:

Compliance Specialist:

NHPA Specialist

Catherine Dewey

Catherine C. Dewey

Date:

1/20/15

E. SUPERINTENDENT'S APPROVAL

The proposed work conforms to the NPS *Management Policies and Cultural Resource Management Guideline*, and I have reviewed and approve the recommendations, stipulations, or conditions noted in Section C of this form.

Superintendent: 

Signature

Date:

1/23/2015

